

LAW OFFICE OF
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September 22, 2000

BY OVERNIGHT DELIVERY

General Counsel
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Dear Sir or Madam:

I represent Jeff Graham, Independence Party candidate for U.S. Senate from the State of New York. Please accept this letter as his complaint pursuant to 11 CFR Sec. 111.4 against the *Buffalo News*, NBC Television, CBS Television, WNED (PBS affiliate in Buffalo) and other parties not now known to complainant.

Mr. Graham's complaint concerns his exclusion from U.S. Senate candidate debates in violation of 11 CFR Sec. 110.13 (the "Debates Regulation"). On September 13, 2000 a debate was held in Buffalo in which the only participants were Hillary Rodham Clinton, the Democratic Party candidate, and Rick Lazio, the Republican Party candidate. The debate was staged by *Buffalo News* and NBC Television. It was held in the studio of PBS affiliate, WNED, which may, therefore, be a staging organization as well. Mr. Graham's request to be included in the debate was turned down. Moreover, attempts by his representative to determine the criteria for inclusion in the debate were met with evasive responses ("the same as for presidential debates") or no response at all.

A second debate is scheduled for October 8, 2000. It will be held in New York City and the staging organization is CBS Television. Once again, Mr. Graham's representatives have been unable to obtain an answer to inquires as to what the criteria for inclusion are.

As you know, the Debates Regulation requires:

For all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate.

It appears that no such criteria exist for the debates in question. Moreover, even if they did exist, the failure to furnish Mr. Graham and his representative with them, deprives him of the

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opportunity to endeavor to meet them.

Your immediate attention to this matter is requested in light of the October 8, 2000 debate now planned and the possibility that there may be others prior to the November 7, 2000 election.

Mr. Graham's verification of this complaint is annexed.

Very truly yours,



Harry Kresky

21-04-405-1617

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

ss.:


COUNTY OF ALBANY)

JEFF GRAHAM, being duly sworn, deposes and says that he is the complainant in the within complaint; that he has read the foregoing complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.



JEFF GRAHAM

Sworn to before me this
September 22, 2000


HARRY KRESKY
Notary Public, State of New York
No. 02KR7368215
Qualified in New York County
Commission Expires Feb. 28, 2001